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Supreme Court, U.S.
FILED

10-47 APR 20 2010

OFFICE OF THE CLERK

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

LORRAINE ALTHEA WELLS - PETITIONER

vs.

FRANKLIN APARTMENTS: TENANTS, ET AL.; CITY OF SANTA MONICA, ET AL.; WESTSIDE REGIONAL CENTER, ET AL - RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

LORRAINE ALTHEA WELLS
POST OFFICE BOX 15873
BEVERLY HILLS, CA 90209-1873
PHONE NO: N/A

QUESTIONS PRESENTED FOR REVIEW

The system is white! Conservative, racist judges! Oppression! Slavery! Tyranny! Landlords! Tenants! Etc., et. al., etc.

Why is it allowed? All right, okay, sanctioned for whites to destroy, hurt, ruin, blacks!

Why? Lorraine Althea Wells tormented, tortured for 3-1/2 years. March 17, 2005 to September 2, 2008! I am a misanthrope!

Why? Blackmail, bribery, coercion, duress, extortion, grand larceny, grand theft, mail tampering, mail theft!

Why? Discriminated against, called a transvestite, called a nigger, defamation, libel and slander, called a sex offender!

Why? Stalked, harassed, threatened, assaulted, battered!

Why? Graffiti vandalism, you stink written on 311 by 314 in black marker July 16-17, 2008! They did everything to me except kill, murder! Several died!

Residing at 1305 2nd Street, #311, Santa Monica, CA 90401-1176 is death! Worse than death. Death would be better: Peace!

Why do the defendants "f" with you (me)? Then turn, twist everything around, crying, stating that they are afraid! Bull "S"!

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

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I DO NOT KNOW!
UNKNOWN!

STATUTES AND RULES

Skip the Flip: Frank Irving Brownell, III

Discriminates: Racist, sexist, misogynist, bigot!

Brownell's: Tenants prefer(s) white tenants!
3 Brownell especially prefers single white males, blacks are tokens!
Brownell is German, Nazi, Nazism, Neo-Nazi, Neo Nazism!
Brownell, Jr. made comments about Jews!

Federal Rules regarding Fair Housing!

Rent Control; Eviction: Non payment of rent, nuisance

According to Varady, City Attorney Fair Housing,
tenants accused me of being a nuisance, sex offender!

Reality: The tenants were a nuisance to me. Perverts! Frank Irving Brownell, Jr. is/was a dirty, disgusting old man!

The white building! White supremacists!
Discrimination: Racism, sexism, misogyny, bigotry

Defamation: Libel and slander
Stalking, harassment, threats, assault, battery

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The opinion of the United States Court of Appeals to the Petition is unpublished.

The opinion of the United States District Court to the Petition is unpublished.

JURISDICTION

The date on which the United States Court of Appeals decided my case was February 16, 2010 and entered on March 9, 2010.

No Petition for rehearing was timely filed in my case.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Federal Fair Housing Act!

Federal Fair Housing Laws!

Discrimination: Racism, sexism, misogyny, bigotry.

The White Building!

White Supremacists!

Stalking, harassment, threats, assault, battery!

Defamation: Libel and slander. They said! They want! No one wants you on their floor!

Quote from Skip the Flip; Frank Irving Brownell, III, the 3, Third, Number 3 !

Civil Rights!

Constitutional Rights!

All 27 Amendments to the Constitution of the United States of America.

Aside from the two petitions, tenants tried to physically throw me out of the building, 201, 202 with 109, Paul Sullivan. I do not know their names. Tenant tried to get Detective Hicks, Santa Monica Police Department to evict me! Hicks kept telling me to move out, just move out. Detective Hicks was abusive and out of line! Testified at my restraining order hearing on June 5, 2008.

STATEMENT OF THE CASE

Lorraine Althea Wells was treated unfairly solely because she is a black female, single and alone! Racism is a form of mental illness. I sustained four injuries! The tenants made me ill literally, sick to death!

The machinations of psychotic psychopaths! Absentia: So-called landlord: Skip the Flip; Frank Brownell III.

Racist, subjective City Attorney, Fair Housing, racist subjective Police Department!

Incompetent, inept Department of Developmental Services: Westside Regional Center, et al., a state social services agency. They are co-dependent, enable, fix, rescue, violated privacy laws, violated me. Bogus/spliced tape!

Westside Regional Center never answered the original Complaint, or anything for that matter. They are a bit confused! Developmentally disabled like Denise Beth Barton.

REASONS FOR GRANTING THE PETITION

Nothing was foreclosed! Not a settlement, but a stipulation, eviction, unlawful, detainer, based on a libelous petition, false police report, police report is heresay! The restraining order is one way, not mutual, although I initiated the restraining order.

The vexatious litigant was done in the late 90's, behind my back and without my knowledge on a/the state court's motion! Most of all is none of your "G" damn business! The tenants were negative, toxic, distractions. Nothing positive about these shit asses!

They say everybody/everyone gets 15 minutes! 314, Denise Beth Baron, cunt/skank and all the tenants got 15 seconds. As for serving the individual tenants, I did not know their names until Monday, March 31, 2008, when I obtained the first Petition and on Thursday, May 8, 2008, when I obtained the revised Petition!

Furthermore, the stipulation, not settlement, is/was confidential, not to be disseminated to anyone, including current and former tenants! It is written in the stipulation, signed by all parties. The stipulation was chump change considering that I paid Skip, the Flip: Frank Brownell, III, over $30,000 in rent. All illegal, non-registration! I said no! It was not heard: Control! If you do not, don't like my attitude, stop talking to me! These vermin tenants were

the most evil, vile! I have never wanted to encounter; the worse in my lifetime! I have enclosed pertinent documentation information. I have much, much, more. What part of no? Leave/let me alone! Infuriated!

CONCLUSION

The City Attorney: Rhoades on Monday, March 24, 2008, told me, ordered me, I presume, to go back and speak/talk to the tenants. In other words: Kiss their ass! The tenants wanted to see my ass because they wanted to know if I am a man or a woman. This is discrimination! Several male and female tenants look like transgenders: 217, Lori Thompson; 115, Michael Silva. 107 looks like someone with AIDS! 318 looks like something out of a horror movie. Former 301 and 314 are morbidly obese! 317 is a skinhead! 310 is a con artist loser! Jerry Anderson was dying, rotting in the basement, an illegal unit removed. Jerry Anderson and the unit. A tent was put on the building in May 2009! The recession has caused tenants to move, vacate. The building is 100 years old, dilapidated, a dive, a dump, slum, toilet! Mrs. Brownell died. The Santa Monica police called me in April and June 2009 about elder abuse. There is abuse, gross negligence, reckless/wreckless. was abused! Skip, Flip. Frank Brownell III is always in absentia! There is no law stated/ written that says you have to speak/talk to asshole, lifer, loser, subsidized tenants! The most repulsive, ugly white criminals at large, gang, gangsters! The most repulsive, ugly white people I have ever seen! They look bad, they smell bad, white trash! Drugs, marijuana.

fire escape, radiators, stairs! Be, do feel, think, never ever. HUD, Section 8, rip off! 301, Eileen Gail Abrams tried to block my entrance to the building on April 15, 2008. Francisco Tostado tried to block me from the exit/entrance! 301, Eileen Gail Abrams is a J.A.P. reject! Tuesday, March 23, 2010, all defendants: My birthday! You can all kiss my natural black ass! City, county, state, federal violations! Illegal immigrants!

I am American born, descendant ancestry! I live in fear that these vermin will stalk, harass, threaten, assault and batter me if they happen to see me! Haphazard! I do not remember what these shit asses look like. I never want to see them again. I have seen 207 twice. Both times, it accosted me. I was in public, both tines, minding my own business: Tuesday, December 30, 2008, and Sunday, January 31, 2010, most recently! Tenants get in your business, face, life! Because they have no business, face, life! Lifers, losers, subsidized!

WEDNESDAY, 6/30/10

Dated: June 30 2010

LORRAINE ALTHEA WELLS

APPENDIX

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

LORRAINIE (sic) ALTHEA WELLS, Plaintiff-Appellant, v. FRANKLIN APARTMENTS, Tenants and CITY OF SANTA MONICA, Defendants-Appellees, and WESTSIDE REGIONAL CENTER, Defendant.	No. 08-57031 D.C. No. 2:08-cv-05958-R-SH U.S. District Court for Central California, Los Angeles MANDATE

The judgment of this Court, entered March 09, 2010, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

Molly C. Dwyer
Clerk of Court

Synitha Walker
Deputy Clerk

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LORRAINE ALTHEA WELLS, Plaintiff-Appellant, v. FRANKLIN APARTMENTS, Tenants; et al., Defendants-Appellees,	No. 08-57031 D.C. No. 2:08-cv-05958-R-SH MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Submitted February 16, 2010**

Before: FERNANDEZ, GOULD, and M. SMITH,
Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument, and therefore denies Wells's request for oral argument. *See* Fed. R. Appoint. P. 34(a)(2).

Lorraine Althea Wells appeals pro se from the district court's judgment in her action alleging various claims against the Franklin Apartments and/or tenants, the City of Santa Monica, and Westside Regional Center. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo both the existence of subject matter jurisdiction, *Peralta v. Hispanic Bus., Inc.*, 419 F.3d 1064, 1068 (9th Cir. 2005), and a grant of summary judgment, Toguchi v. Chung, 391 F.3d 1051, 1056 (9th Cir. 2004). We affirm.

The district court properly dismissed Wells's claims against the City of Santa Monica for lack of subject matter jurisdiction because her complaint does not allege facts to support federal question or diversity jurisdiction against the City. *See Peralta*, 419 F.3d at 1068 ("In civil cases, subject matter jurisdiction is generally conferred upon federal district courts, either through diversity jurisdiction, 28 U.S.C. § 1332, or federal question jurisdiction, 28 U.S.C. § 1331."); *see also Vaden v. Discover Bank*, 129 S. Ct. 1262, 1272 (2009) (explaining that section 1331 confers jurisdiction over civil actions "arising under" federal law and that an action "arises under" federal law only where the plaintiff's statement of the claim shows that the claim is based on federal law).

To the extent that Wells has alleged any causes of action against Franklin Apartments,

the district court properly determined that they were foreclosed by Wells's prior settlement agreement with the owners. *See Marder v. Lopez*, 450 F.3d 445, 449-50 (9th Cir. 2006) (discussing release of claims under California law). To the extent that Wells has alleged any causes of action against the tenants of Franklin Apartments, she failed to name those individuals and to serve them with the summons and complaint, so they were never properly made parties to the action. *See* Fed. R. Civ. P. 4.

Wells's remaining contentions are unpersuasive.

AFFIRMED.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL

CASE NO.: CV 08-5958-R Date: DEC. 8, 2008

TITLE: LORRAINE ALTHEA WELLS V. FRANKLIN APARTMENTS etc., et al.

==========

PRESENT:

HON. MANUEL L. REAL, JUDGE

William Horrell	Bridget Montero
Deputy Clerk	Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

ATTORNEYS PRESENT FOR DEFENDANTS:
Harold Griffin
Jeanette Schachtner Dep City Atty

PROCEEDINGS: Defendant Franklin Apartment's Motion for Summary Judgment Defendant City of Santa Monica's motion to dismiss

There is no appearance on behalf of plaintiff.

The Court GRANTS Defendant Franklin Apartments motion for summary judgment and signs the proposed order. Defendant Franklin Apartments shall submit proposed

uncontroverted facts and conclusions of law and a proposed judgment.
The Court GRANTS Defendant City of Santa Monica's motion to dismiss and signs the proposed order.

3 min

MINUTES FORM 90 Initials of Deputy Clerk WH
CIVIL - GEN

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(310) 392-8182

Attorney for Defendant Franklin Apartments

UNITED STATES DISTRICT COURT,
CENTRAL DISTRICT OF CALIFORNIA

Lorraine Althea Wells,	) Case No. CV 08-
	] 05958- R (SHx)
Plaintiff,	)
	) ORDER
-vs-	) GRANTING
	) MOTION FOR
Franklin Apartments, et al.	) SUMMARY JUDG-
Defendants.	) MENT
	)
	) Date: December
	] 8, 2008
	) Time: 10:00 a.m.
	) Place: 312 N.
	] Spring St.
	) Courtroom 8
	) Los Angeles, CA
_____]	90012

DEFENDANT Franklin Apartments' Notice of Motion for Summary Judgment is now before the Court. After due consideration of the briefing submitted by the parties, and good cause appearing therefor, the Court rules as follows:

1. Defendant Franklin Apartments as a name used by the owners of 1305 - 2nd Street, Santa Monica, CA 90401, is a party to the settlement agreement entered in Los Angeles County, West District, Superior Court Case Number 08U01552.

2. Plaintiff Lorraine Althea Wells as a party to the settlement agreement entered in Los Angeles County, West District, Superior Court Case Number 08U01552, waived the claims set forth by the complaint in this case.

3. Plaintiff Lorraine Althea Wells is estopped from asserting the claims set forth in this case gainst Franklin Apartments.

4. Defendant Franklin Apartments is entitled to judgment as a matter of law and the recovery of all costs of suit as provided by law.

GOOD CAUSE APPEARING THEREFORE:

It is hereby judged and decreed that Plaintiff Lorraine Althea Wells shall take nothing by way of her complaint and judgment shall be entered in favor of Defendant Franklin Apartments. Defendant Franklin Apartment to recover costs of suit.

Dated: December 8, 2008

Manuel L. Real
Judge of the District Court

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Attorneys for Defendant
CITY OF SANTA MONICA

UNITED STATES DISTRICT COURT,
CENTRAL DISTRICT OF CALIFORNIA

Lorraine Althea Wells,	) Case No. CV 08-] 05958-R (SHx)
Plaintiff,	)) (Case assigned to] Hon. Manuel L.
v.	) Manuel L. Real;) Referred t (sic)] U.S. Magistrate
Franklin Apartments:	) Magistrate] Judge, Stephen
Tenants; City of Santa Monica; Westside Regional Center, et al.,	) J. Hillman)]) ~~(PROPOSED)~~] ORDER ON
Defendants.	) DEFENDANT'S

) NOTICE OF
] MOTION AND
) MOTION OF CITY
) OF SANTA
) MONICA TO
] DISMISS
) PLAINTIFF'S COM-
) PLAINT; ALTERNA-
) TIVELY A REQUEST
) FOR A MORE
) DEFINITE STATE-
) MENT
]
] Date: December
] 8, 2008
) Time: 10:00 a.m.
) Courtroom: 8

DEFENDANT City of Santa Monica's Notice of Motion and Motion to Dismiss Plaintiff's Complaint; Alternatively A Request For A More Definite Statement is now before the Court. After due consideration of the briefing submitted by the parties, and good cause appearing therefor, the Court rules as follows:

That defendant's Motion is GRANTED and the case is Dismissed.

IT IS SO ORDERED.

DATED: Dec. 8, 2008

U.S. DISTRICT COURT JUDGE
MANUEL REAL